



DOCKET NO: 215812US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YOSUKE NISHI : EXAMINER: WANG, LIANG CHE A
SERIAL NO: 09/986,283 :
RCE FILED: OCTOBER 14, 2005 : GROUP ART UNIT: 2155
FOR: REMOTE CONTROL SYSTEM :

PRE-APPEAL BRIEF REQUEST FOR REVIEW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants respectfully request that a Pre-Appeal Conference be initiated in accordance with the pilot program outlined in the Official Gazette Notice of July 12, 2005. This request is being filed with a Notice of Appeal.

REMARKS

In the outstanding Office Action mailed April 24, 2006, Claims 14-18 were objected to. Claims 14-22 were finally rejected under 35 U.S.C. § 102(e) as being anticipated by Petite et al (U.S. Pat. No. 6,437,692).

Regarding the claim objection, the amendment after final filed July 24, 2006 and entered for the purpose of appeal corrects the informality in Claim 14.

Regarding the 35 U.S.C. § 102(e) rejection, M.P.E.P. § 2131 requires for anticipation that each and every feature of the claimed invention must be shown, and requires for anticipation that the identical invention must be shown in as complete detail as is contained in

the claim.

Applicant resubmits that, in one embodiment of the present invention as shown in Figure 11, the remote control server enters a wait state if a command execution request from a user terminal corresponding to the command fetch request is not stored in a remote control server and after an evaluation of state information regarding a status of the electronic equipment. As explained in the specification with regard to Figure 11, at step 1003, analysis of the state information determines if a situation exists where “the user should be contacted.” See Specification, page 27, lines 6-10. As explained thereafter in the specification, following evaluation of the state information, the remote control server is set in a wait state in step S1105.

Accordingly, the present claims recite a remote control server system including a remote control server and a wait state setting unit in the remote controller. In Claim 14, the wait state setting unit is configured to receive a command fetch request from electronic equipment via an external network. If a command execution request from a user terminal corresponding to the command fetch request is *not* stored in the remote control server and after an evaluation of state information supplied from the electronic equipment, the wait state setting unit *sets a wait state* in the remote control server *for the command execution request from the user terminal*.

Hence, it is therefore possible to suppress the delay occurring when transmitting the command execution request to the electronic equipment upon being received from a user by setting the wait state in the remote control server so that the command execution request can be transmitted to the electronic equipment without having to wait until a subsequent command fetch request is received.

The outstanding Office Action associates server 260 in Petite et al with a remote control server and points out Petite et al col. 7, lines 52-57, which discloses that:

workstation 250 is capable of generating control signals for the system and having the server act as the data collection and reporting device, so when server 260 would be in a wait state during the time period when passing user requests to and receiving control signal from workstation 250.

However, there is no disclosure or suggestion in Petite et al for setting the wait state of

server 260 based on (1) the absence of a command execution request stored in server 260 and (2) after an evaluation of the state of the vehicle shown in Figure 7.

Figure 7 is reproduced below with further disclosure from Petite et al regarding Figure 7.

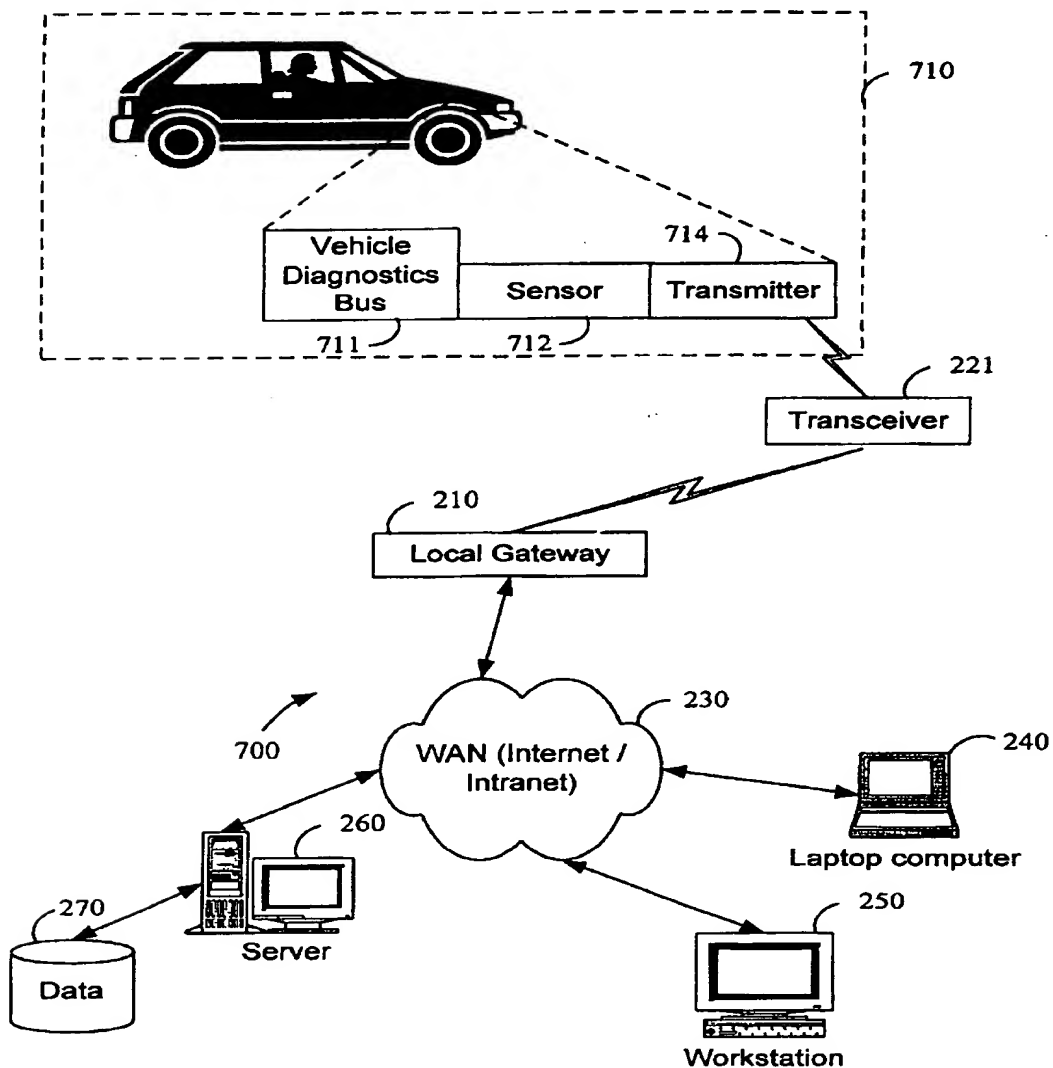


FIG. 7

With regard to Figure 7, Petite et al at col. 12, lines 45-62, disclose that:

More specifically, Figure 7 illustrates a remote automotive diagnostics monitoring system 700. Remote automotive diagnostics interface unit 710 consists of sensor 712 integrated with the vehicle diagnostics data bus 711, and transmitter 714 wherein contents of the vehicle diagnostics can be downloaded upon a control signal to sensor 712 from a remote location serviced by local gateway 210. In this manner, a vehicle in need of service but still capable of accessing the vehicle diagnostics codes can be remotely diagnosed by uploading the information through remote automotive diagnostics monitoring system 700 and accessing a custom report created by server 260 in a manner previously described. ***In this regard, server 260 could be configured to perform any of a number of levels of diagnostics and provide service manual instructions, figures, and local authorized service contact information via WAN 230 on a fee basis or per a predetermined level of service plan.*** [emphasis added]

While Petite et al disclose that the server 260 can perform any of a number of levels of diagnostics and from above can be in a wait state, there is no disclosure that the wait state occurs ***if a command execution request from the user is not stored in server 260 and after an evaluation of the state of the vehicle***, as would be required for Petite et al to anticipate the present claims.

The outstanding Office Action infers that “a wait state must occur for retrieving control signals from computers 240 and 250” from a deduction that “a control signal can’t be generated simultaneously if it is not stored in the server.” However, there is no evidence on the record that server 260 in Petite et al operates in the manner asserted by the examiner. Moreover, there is no evidence that server 260 in Petite et al ***sets a wait state for the command execution request from the user terminal***, as defined in the claims. If the “wait state” asserted by the examiner occurs at all, it would occur for some random and unpredictable time and would not be a wait state set by a wait state setting unit in the remote control server for the command execution request from the user terminal.

Since as noted above M.P.E.P. § 2131 requires for anticipation that the identical invention must be shown in as complete detail as is contained in the claim, it is respectfully submitted that, with the above noted feature not being shown by Petite et al in as complete detail as is contained in the claim, independent Claims 14, 19, and 21 and the claims dependent therefrom patentably define over Petite et al.

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Request for Pre-Appeal Conference Regarding Office Action dated April 24, 2006

Based on the above-noted deficiencies in the outstanding Action mailed July 25, 2005, Applicants note that there are no actual issues for appeal and respectfully submit that the application should be allowed based upon existing Claims 14-22.

Respectfully submitted,

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